



PALMERSTON NORTH CITY

PALMERSTON NORTH TRADE WASTE BYLAW

2022

CONTENTS

PART ONE – INTRODUCTION	3
1 Title.....	3
2 Purpose.....	3
3 Commencement.....	4
4 Repeals	4
5 Application	4
6 Definitions	4
7 Abbreviations.....	11
PART TWO – GENERAL	12
8 Restrictions on discharges.....	12
9 Storage, transport, handling and use of hazardous or harmful materials	12
PART THREE – TRADE WASTE DISCHARGES AND CONSENTS	14
10 Classification of trade waste discharges	14
11 Application for a trade waste consent.....	14
12 Grant of Trade Waste Consent.....	15
13 Duration of consent.....	16
14 Technical review and variation	17
15 Cancellation of consent to discharge.....	18
PART FOUR – TREATMENT OF TRADE WASTE	20
16 Pre-treatment	20
17 Amalgam traps	20
18 Grease interceptors.....	20
19 Dilution of trade waste	21
20 Mass limits.....	21
PART FIVE – SAMPLING, TESTING AND MONITORING	23
21 Flow metering	23
22 Estimating discharge	23
23 Sampling and analysis.....	23
24 Monitoring	23
PART SIX – OTHER DISCHARGES	24
25 Tankered wastes.....	24
26 Disinfected/super chlorinated water.....	25
PART SEVEN – BYLAW ADMINISTRATION	26
27 Review of decisions	26
28 Accidents and non-compliance	26
29 Charges, payments and costs.....	26
30 Delegations.....	27
31 Transfer or termination of rights and responsibilities.....	28
32 Service of documents	28
33 Transitional Provisions	29
PART EIGHT – ENFORCEMENT	30
34 Offences.....	30
SCHEDULE 1 – TRADE WASTE CHARGES	31

THE PALMERSTON NORTH TRADE WASTE BYLAW 2022

PART ONE – INTRODUCTION

1 TITLE

1.1 The title of this bylaw is the Palmerston North Trade Waste Bylaw 2022.

2 PURPOSE

2.1 The purpose of the bylaw is to:

- a) protect against the discharge of trade wastes to the wastewater system that might be harmful to health and safety, the environment, or the flows, velocity and capacity of sewers; and
- b) manage the loads on the wastewater system and received at the wastewater treatment plant; and
- c) to ensure the costs of collection and treatment of wastewater are shared equitably across residential wastewater and trade waste dischargers.

2.2 This Bylaw regulates the discharge of trade waste to the wastewater system, operated by Palmerston North City Council or its authorised agent, including provision for the:

- a) Acceptance of long-term, intermittent, or temporary discharge of trade waste to the wastewater system;
- b) Establishment of four grades of trade waste: permitted, controlled, conditional and prohibited;
- c) Evaluation of individual trade waste discharges to be against specified criteria;
- d) Correct storage of materials in order to protect the wastewater system from spillage;
- e) Installation of flow meters, samplers or other devices to measure flow and quality of the trade waste discharge;
- f) Pre-treatment of waste before it is accepted for discharge to the wastewater system;
- g) Sampling and monitoring of trade waste discharges to ensure compliance with the bylaw;
- h) Council acceptance or refusal of trade waste discharge;

- i) Charges to be set to cover the cost of conveying, treating and disposing of, or reusing, trade waste and the associated costs of administration and monitoring;
- j) Administrative mechanisms for the operation of the bylaw; and
- k) Establishment of waste minimisation and management programmes (including sludges) for trade waste producers.

3 COMMENCEMENT

3.1 This Bylaw will come into force on 23 May 2022.

4 REPEALS

4.1 The Palmerston North Trade Waste Bylaw 2015 is repealed when this Bylaw comes into force.

5 APPLICATION

5.1 This bylaw shall apply to all trade premises and tankered wastes within Palmerston North City Council boundary where trade wastes are discharged or sourced or likely to be discharged to the wastewater system operated by the Council or its agents.

5.2 Pursuant to section 196 of the Local Government Act 2002 (LGA02) the Council may refuse to accept any type of trade waste which is not in accordance with this bylaw.

6 DEFINITIONS

6.1 For the purpose of the Bylaw and the Administration Manual, unless inconsistent with the context, the following definitions apply:

Administration Manual means the Administration Manual for the Palmerston North Trade Waste Bylaw 2022, as approved by the Council when the Palmerston North Trade Waste Bylaw 2022 was made and as amended from time to time by delegated authority under the Bylaw

Approval or approved means approved in writing by the Council, either by resolution of the Council or by an officer of the Council authorised for that purpose.

Authorised Officer/Agent means an officer or an agent appointed by the Council and given powers to perform duties and functions under the Bylaw, and includes an enforcement officer appointed under section 177 of the Local Government Act 2002.

Biochemical oxygen means the amount of oxygen required by bacteria to

demand (BOD₅)	decompose a defined quantity of organic matter for a specified time, in this case 5 days, under aerobic conditions. (Explanation - this refers to the easily decomposed organic matter rather than the total organic matter, and is otherwise known as “carbonaceous” BOD in technical literature).
Biosolids	means sewage sludge derived from a wastewater treatment plant that has been treated and/or stabilized to the extent that it is able to be safely and beneficially applied to land and does not include products derived solely from industrial wastewater treatment plants.
Bylaw	means the Palmerston North Trade Waste Bylaw 2022
Characteristic	means any of the physical or chemical characteristics of a trade waste.
Chemical oxygen demand (COD)	means the amount of oxygen required to oxidize soluble and particulate organic matter in water.
Cleaner production	means the implementation on trade premises, of effective operations, methods and processes appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes. “Cleaner Production” minimises and manages trade waste by: <ul style="list-style-type: none"> (a) Using energy and resources efficiently, avoiding or reducing the amount of wastes produced; (b) Producing environmentally sound products and services; (c) Achieving less waste, fewer costs and higher profits.
Condensing water or cooling water	means any water used in any trade, industry, or commercial process or operation in such a manner that it does not take up matter into solution or suspension.
Conditional discharge	means a trade waste discharge that complies with consent conditions approved by the Council.
Consent	means a consent in writing given by the Council and signed by an authorised officer authorising a person to discharge trade wastes to the wastewater system.
Consent holder	means the person occupying trade premises who has obtained a consent to discharge from specified premises to the Council’s wastewater system, and includes any

person who does any act on behalf or with the express or implied consent of the consent holder (whether for reward or not) and any licensee of the consent holder.

Contaminant

includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat –

- (a) When discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
- (b) When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged; or as described or contained in the Resource Management Act.

Contingency management procedures

means those procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects of these activities on the environment from an unexpected or unscheduled event resulting in discharge, or potential discharge of contaminants of concern into the wastewater system.

Controlled trade waste discharge

Means a trade waste discharge that meets the physical and chemical characteristics defined in appendix 1 of the Administration Manual but where the volume of discharge exceeds 5m³ per day.

Council

means the Palmerston North City Council and includes any person or Committee acting under authority duly delegated by the Palmerston North City Council.

Disconnection

means the physical cutting and sealing of any of the Council's water services, utilities, drains or sewers against use by any person.

Domestic wastewater

means water or other liquid, including waste matter in solution or suspension, discharged from premises used solely for residential purposes, or wastes of the same character discharged from other premises; but does not include any solids, liquids, or gases that may not lawfully be discharged into the wastewater system.

Fees and Charges

means the list of items, terms and prices for services associated with the discharge of trade waste as adopted by the Council in accordance with the LGA 2002.

Food premises	means any premises on or at which food is manufactured, prepared, packed, stored, or handled, for sale; or on or from which food is sold; or that is used in connection with any other food premises, for the purposes of their work, by persons who work on those other food premises.
Infringement	means an infringement offence as specified by the bylaw under sections 243 and 259 of the LGA02.
Management plan	means the plan for management of operations on the premises from which trade wastes come, and may include provision for cleaner production, waste minimization, discharge, contingency management procedures, and any relevant industry code of practice.
Mass limit	means the total mass of any characteristic that may be discharged to the Council wastewater system over any stated period from any single point of discharge or collectively from several points of discharge.
Maximum concentration	means the instantaneous peak concentration that may be discharged at any instant in time.
Occupier	means the person occupying trade premises connected to the wastewater system.
Permitted discharge	means a trade waste discharge that meets the physical and chemical standards as defined in appendix 1 of the Administration Manual.
Person	includes a corporation sole and also a body of persons whether corporate or otherwise.
Point of discharge	is the boundary between the public sewer and a private drain but for the purposes of monitoring, sampling and testing, shall be as designated in the trade waste consent.
Potable	in relating to drinking water, means water that meets the requirements specified in the drinking-water standards.
Pre-treatment	means any processing of trade waste designed to reduce or vary any characteristic in a waste before discharge to the wastewater system in order to comply with a trade waste consent.
Premises	means either: <ul style="list-style-type: none"> (a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued;

- (b) A building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available;
- (c) Land held in public ownership (e.g. reserve) for a particular purpose; or
- (d) Individual units in buildings which are separately leased or separately occupied.

Private drain means that section of drain between the premises and the point of connection to the Council's wastewater system.

Prohibited trade waste means a trade waste that has prohibited characteristics as defined in appendix 2 of the Administration Manual and is not permitted to be discharged to the wastewater system.

Sewage means water or other liquid, including waste matter in solution or suspension, discharged from a premises to a sewer and may include trade wastes.

Sewage sludge means the material settled out and removed from sewage during the treatment process.

Sewer means the main public sewer and lateral connections that carry away wastewater from the point of discharge. The public sewer is owned and maintained by the Council.

Significant industry is a term to indicate the relative size of a given industry compared to the capacity of the wastewater system (including wastewater treatment plant) which services that industry as determined by Council. Industry size relates to volume and/or loads discharging into the wastewater system. Loads can be the conventional loadings of BOD₅ and suspended solids or some other particular contaminant (e.g. nitrogen, phosphorus, boron, or chromium) which will have an effect or the propensity to have an effect on the sizing of the wastewater system, the on-going system operation and/or the quality of the treated effluent that is discharged.

Stormwater means all surface water run-off resulting from precipitation.

Stormwater Network means a set of facilities and devices, either natural or man-made, which are used to convey run off, reduce the risk of flooding, and to improve water quality. This includes but is not limited to open drains and watercourses, inlet structures, pipes and other conduits,

manholes, chambers, traps, outlet structures, pumping stations, treatment structures and devices and overland flow paths

Tankered waste	is water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal, excluding domestic wastewater discharged directly from house buses, caravans, buses and similar vehicles.
Temporary discharge	means any discharge of an intermittent or short duration. Such discharges include the short-term discharge of an unusual waste from premises subject to an existing consent.
Trade Premises	means: <ul style="list-style-type: none">(a) Any premises used or intended to be used for any industrial or trade purposes;(b) Any premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials;(c) Any other premises from which a contaminant is discharged in connection with any industrial or trade process; or(d) Any other premises discharging waste material other than domestic wastewater; and includes any land or premises wholly or mainly used for agricultural or horticultural purposes.
Trade wastes	means any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises to the wastewater system in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature; and may include condensing or cooling waters; stormwater which cannot be practically separated, or domestic wastewater.
Wastewater	means water or other liquid, including waste matter in solution or suspension, discharged from a premises to a sewer and may include trade wastes.
Wastewater system	means anything used for the reception, treatment and disposal of wastewater and trade wastes, including all sewers, pumping stations, storage tanks, wastewater treatment plants, outfalls, and other related structures operated by the Council.

Working day

means any day of the week other than:

- (a) A Saturday, a Sunday, Wellington Anniversary Day, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, Labour Day; and
- (b) A day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year.

7 ABBREVIATIONS

7.1 The following are abbreviations used within the Bylaw and the Administration Manual:

\$/kg	Dollars per kilogram
\$/L/s	Dollars per litre per second
\$/m ³	Dollars per cubic metre
oC	Degrees Celsius
B	Boron
BOD ₅	Biochemical Oxygen Demand
Br ₂	Bromine
Cl ₂	Chlorine
CN	Cyanide
COD	Chemical Oxygen Demand
DAF	Dissolved air floatation
DP	Deposited plan
DS	Dry solids
F	Fluoride
g/m ³	Grams per cubic metre
H ₂ S	Hydrogen Sulphide
HAHs	Halogenated aromatic hydrocarbons
HCHO	Formaldehyde
HCN	Hydrogen Cyanide
hr	Hour
HSNO	Hazardous Substances and New Organisms Act 1996
kg/day	Kilogram per day
L	Litre
L/s	Litres per second
LGA02	Local Government Act 2002
m ³	Cubic metre
MBAS	Methylene blue active substances
MfE	Ministry for the Environment
mg/L	Milligram per litre
mL/L	Millilitre per litre
mm	Millimetres
MSDS	Material safety data sheets
N	Nitrogen
NH ₃	Ammonia
NH ₃ -N	Ammoniacal nitrogen
P	Phosphorus
PAHs	Polycyclic (or polynuclear) aromatic hydrocarbons
PBBs	Polybrominated biphenyls
PCBs	Polychlorinated biphenyls
pH	Measure of acidity/alkalinity
RMA	Resource Management Act 1991
s	Second
SBR	Sequencing batch reactor
SO ₄	Sulphate
SS	Suspended solids concentration
TAs	Territorial authorities
UV	Ultra violet
UVT	Ultra violet transmission

PART TWO – GENERAL

8 RESTRICTIONS ON DISCHARGES

- 8.1 No person may:
- a) Discharge, or allow to be discharged, any trade waste to the wastewater system except in accordance with the provisions of this bylaw or the terms of any consent granted under this bylaw;
 - b) Discharge, or allow to be discharged, a prohibited trade waste into the wastewater system;
 - c) Add or permit the addition of condensing or cooling water to any trade waste which discharges into the wastewater system unless specific approval is given in a consent;
 - d) Add or permit the addition of stormwater to any trade waste which discharges into the wastewater system unless specific approval is given in a consent; or
 - e) Use refuse or garbage grinders and macerators to dispose of solid waste from trade premises to the wastewater system unless specifically approved by the Council.
- 8.2 The Council will give written notice to the discharging party of failure to comply with clause 8.1 of the Bylaw, and the Council will require the discharging party either to comply or to cease the discharge within 20 working days or as otherwise stated in the written notice.
- 8.3 Any person discharging to wastewater system shall also comply with requirements of the Hazardous Substances and New Organisms Act 1996 and the Resource Management Act 1991.
- 8.4 Notwithstanding clause 8.1, any discharge of trade waste pursuant to a contractual agreement between the Council and the person discharging that trade waste shall be deemed to be an authorised trade waste discharge, subject to any conditions, remedies and penalties that may be described within that agreement, and no further trade waste discharge consent under this Bylaw is needed while that agreement is in force.

9 STORAGE, TRANSPORT, HANDLING AND USE OF HAZARDOUS OR HARMFUL MATERIALS

- 9.1 All persons on trade premises shall take all reasonable steps to prevent the entry of any of the materials listed in clause 9.3 of the Bylaw into the wastewater system or the stormwater system, including entry as a result of leakage or spillage.
- 9.2 No person may store, transport, handle or use, or cause to be stored, transported, handled or used any hazardous substance as defined by Hazardous Substances and New Organisms Act 1996 or any of the materials listed in clause 9.3 in a manner that may cause the material to enter the wastewater system or the stormwater

system.

9.3 Materials referred to in clauses 9.1 and 9.2 are products or wastes:

- a) containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials; or
- b) Likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, when mixed with the wastewater stream; or
- c) Likely to harm the health and safety of any person or harm the Wastewater system.

PART THREE – TRADE WASTE DISCHARGES AND CONSENTS

10 CLASSIFICATION OF TRADE WASTE DISCHARGES

10.1 Trade waste discharges are classified as follows:

a) Permitted Trade Waste

Trade waste that complies with the physical and chemical characteristics defined in appendix 1 of the Administration Manual is permitted. Permitted trade wastes do not require Council consent prior to its discharge into the wastewater system.

b) Controlled Trade Waste

Trade waste that complies with the physical and chemical characteristics defined in appendix 1 of the Administration Manual, but where the volume exceeds 5m³ per day is controlled trade waste and requires a consent from the Council prior to its discharge into the wastewater system.

c) Conditional Trade Waste

Trade waste that is not permitted trade waste or prohibited trade waste is conditional trade waste and requires a consent from the Council prior to its discharge into the wastewater system.

d) Prohibited Trade Waste

Trade Waste that has any of the prohibited characteristics as defined in appendix 2 of the Administration Manual is prohibited trade waste and cannot be discharged into the Wastewater system. No application for trade waste consent can be made for a prohibited trade waste.

10.2 Trade waste discharges that are permitted, controlled, or conditional in accordance with this clause are subject to the additional requirements as set out at Part 4 of this Bylaw.

10.3 Subject to clause 10.1, trade waste discharges with the characteristics of domestic waste, typically that from bathrooms and kitchens not used for commercial preparation of food, do not require consent.

10.4 The discharge of trade waste from a tankered waste trucking system requires consent under this Bylaw and is subject to the requirements of clause 25.

11 APPLICATION FOR A TRADE WASTE CONSENT

11.1 No person may discharge controlled trade waste or conditional trade waste or tankered waste to the wastewater system without a consent under this bylaw issued by the Council.

11.2 Any person may apply to the Council to:

a) Discharge (either continuously, intermittently, or temporarily) any controlled

trade waste or conditional trade waste or tankered waste into the wastewater system; or

- b) Vary the characteristics controlled by a consent to discharge that has previously been granted; or
- c) Vary the conditions of consent to discharge that has previously been granted; or
- d) Vary the method or means of pre-treatment for discharge under an existing consent;

provided that the application is in writing in the form provided, accompanied by the prescribed charges.

- 11.3 Where the trade premises produces trade waste from more than one area, separate descriptions of the trade waste and the areas concerned shall be included in any application for trade waste discharge. This applies whether or not the separate areas of a premise are part of a single or separate trade process.
- 11.4 Information requirements in respect of the application are as set out in the Administration Manual.
- 11.5 In all cases where either the consent holder or the owner of the premises changes, or there is a change of use of the premises, a new application for a trade waste discharge consent must be made. It shall be the responsibility of the consent holder or the new owner (as appropriate) to lodge the new application.

12 GRANT OF TRADE WASTE CONSENT

- 12.1 Within 15 Working Days (or as extended if warranted by exceptional circumstances by the Council) of receipt of an application complying with this bylaw, or the further information requested in accordance with the Administration Manual, whichever is the later, the Council shall, after considering the matters set out in the Administration Manual action one of the following in writing:
 - a) Grant the applicant a trade waste discharge consent and inform the applicant of the decision and the conditions imposed by issuing the appropriate notice of consent to the discharge; or
 - b) Decline the application and notify the applicant of the decision giving a statement of the reasons for refusal.
 - c) Notify the applicant that the discharge is classified as a permitted trade waste or prohibited trade waste under this Bylaw, and does not require or cannot obtain (in the case of prohibited trade waste) a trade waste discharge consent.
- 12.2 A trade waste consent granted in accordance with this clause may be subject to conditions, including but not limited to conditions of the kind referred to in the Administration Manual.

- 12.3 A trade waste consent granted in accordance with this clause may be conditional on the implementation of appropriate pre-treatment systems.
- 12.4 Trade waste consents are personal to the applicant at specific premises and are not transferable to a new occupier or different premise except as provided for in clause 31.1(a) of this bylaw.

13 DURATION OF CONSENT

Permitted trade waste discharges

13.1 Permission to discharge a “permitted” trade waste shall remain in force until:

- a) Cancellation under clause 15; or
- b) The quantity and nature of the discharge changes or is likely to change significantly to such an extent that it becomes a controlled, conditional or prohibited discharge; or
- c) The Council changes the trade waste management procedures by implementation of changed trade waste bylaw conditions or any amendment to, or replacement of, its trade waste bylaw or changes to characteristics in either appendix 1 or 2 of this bylaw; or
- d) The conditions are changed for resource consents for the wastewater system and the residuals thereof.

In the event of a change as defined in (a) – (d) above, the consent holder must apply for a trade waste discharge consent within 20 working days of the change occurring, or cease discharging the trade waste. If the trade waste discharge consent is not granted, then the discharge must cease.

13.2 The Council will give at least 20 working days’ notice prior to any proposed amendments to appendix 1 or 2. Wherever possible this notice will be given in writing to those with permission to discharge a permitted trade waste and those with consent to discharge controlled trade waste or conditional trade waste.

Controlled and Conditional trade waste discharges

13.3 Consents for a Controlled or Conditional Discharge under this bylaw shall ordinarily expire two years after the consent is granted. A consent for a term of five years may be applied for and may be approved at the discretion of the Council in the following circumstances:

- a) The nature of the trade activity, or the process design and/or management of the premises are such that the consent holder can demonstrate an ability to meet the conditions of the Consent during its term; or
- b) Cleaner production techniques are successfully being utilized, or that a responsible investment in cleaner production equipment or techniques is being made; or

- c) Significant investment in pre-treatment facilities has been made, such that a longer period of certainty for the amortizing of this investment is considered reasonable.
- 13.4 A controlled or conditional trade waste discharge consent may expire earlier if:
- a) Cancelled under clause 15; or
 - b) The consent holder fails to submit a plan in accordance with clause 13.5.
- 13.5 Within 20 working days of the adoption of amendments to appendix 1 or 2, every holder of a controlled or conditional trade waste discharge consent must submit a plan that details the changes they will make to ensure compliance with the amendments, to be implemented in a reasonable timeframe as agreed with the Council. If a plan is not submitted within 20 working days of the adoption of amendments to appendix 1 or 2, then the trade waste discharge consent will expire.
- 13.6 The re-issuing of a consent cannot be unreasonably withheld.
- 13.7 In all cases where the consent holder or the owner of the premises changes, or there is a change of use of the premises, a new application for a trade waste discharge consent must be made.

Renewal of controlled or conditional trade waste discharge consent

- 13.8 A consent holder may apply to renew a controlled or conditional trade waste discharge consent.
- 13.9 An application for a renewed consent received under clause 13.8 must be lodged with the Council no later than eight weeks before the expiry of the existing consent.
- 13.10 Notwithstanding clauses 14 and 15 of this Bylaw, where an application for a renewed consent has been received in accordance with clause 13.9, the consent holder may continue to discharge trade waste in accordance with the conditions of their existing consent until:
- a) The Council issues a renewed consent; or
 - b) The Council declines to issue a renewed consent.
- 13.11 Where an application for a renewed consent has not been received in accordance with clause 13.9 the Council may require the consent holder to cease discharging trade waste at the expiry of their existing consent until any new consent is issued.

14 TECHNICAL REVIEW AND VARIATION

- 14.1 The Council may at any time during the term of a trade waste consent initiate a review of any condition. The reasons for a review may include:
- a) The level of consent holder compliance, including any accidents including spills or process mishaps;
 - b) Matters pertaining to the Council's resource consents for the Wastewater system;

- c) Matters pertaining to the Council's environmental policies and outcomes;
- d) New control and treatment technologies and processes;
- e) Any of the matters outlined in Part Four; or
- f) Matters pertaining to the Council's legal obligations.

14.2 After conducting a review and considering the matters set out in the Administration Manual, the Council may vary any condition of consent to such an extent as the Council considers necessary. The Council will provide written notice of the proposed variation to the consent holder giving 20 working days to respond in writing. The Council must then consider the written response of the consent holder against the provisions of this bylaw, and if issuing a variation under 14.1 above the Council must specify the time by which the consent holder must comply with the varied conditions.

14.3 A consent holder may at any time during the term of a consent, by written application to the Council, seek to vary any condition of consent.

15 CANCELLATION OF CONSENT TO DISCHARGE

15.1 The Council may suspend or cancel any consent or right to discharge trade waste following a 20 working day notice period, for the following reasons:

- a) For the failure to comply with any condition of the consent or the Bylaw;
- b) For the failure to maintain effective control over the discharge;
- c) For the failure to limit in accordance with the requirements of a consent the volume, nature, or composition of trade waste being discharged;
- d) In the event of any negligence which, in the opinion of the Council, threatens the safety of, or threatens to cause damage to, or threatens the proper functioning of any part of the Wastewater system or the wastewater treatment plant or threatens the health and safety of any person;
- e) If any occurrence happens that, in the opinion of the Council, threatens to cause a significant adverse effect on the environment;
- f) In the event of any breach of a resource consent held by the council issued under the Resource Management Act 1991 that is attributable to a trade waste discharge;
- g) For the failure to provide or update a management plan as required for a trade waste discharge consent;
- h) For the failure to follow the management plan provisions at the time of an unexpected, unscheduled or accidental occurrence;
- i) For the failure to pay any charges under this bylaw; or

- j) Following a review of the technical issues considered when setting conditions of consent, or
 - k) Due to new information becoming available, or
 - l) To meet any new resource consent imposed on the discharge from the Council's wastewater treatment plant, or
 - m) To meet any other legal requirements imposed on the Council
 - n) If any other circumstances arise which, in the opinion of the Council, render it necessary in the public interest to cancel the right to discharge.
- 15.2 If any process changes require more than 20 Working Days, reasonable time may be given to make the necessary changes or cease the discharge.
- 15.3 Written notice of the proposed cancellation must be provided to the consent holder giving 20 working days to respond in writing, and the Council must consider the written response of the consent holder against the provisions of this bylaw and the matters of consideration in the Administration Manual.
- 15.4 Further to clause 15.1 any trade waste consent or discharge may at any time be cancelled by written notice with immediate effect if:
- a) The discharge includes any Prohibited substance;
 - b) The Council is lawfully directed to withdraw or otherwise to terminate the consent immediately;
 - c) The consent holder, or their contractor using a Tankered waste disposal system, discharge any trade waste unlawfully;
 - d) The continuance of discharge is, in the opinion of the Council, a threat to the environment or public health;
 - e) The continuance of discharge may, in the opinion of the Council, result in a breach of a resource consent held by the Council and/or requires identified additional treatment measures or costs to seek to avoid a breach of any such resource consent.

PART FOUR – TREATMENT OF TRADE WASTE

16 PRE-TREATMENT

- 16.1 The Council may approve a trade waste discharge subject to the provision of appropriate pre-treatment systems to enable the person discharging to comply with this bylaw. Such pre-treatment systems shall be provided, operated and maintained by the person discharging at his or her expense.
- 16.2 Grease interceptors shall be fitted in all food premises or any premises where any fat, grease or oil could be present in the trade waste discharge, and the provisions of clause 18 complied with.
- 16.3 Interceptor traps shall be fitted to wastewater discharges from commercial premises where oils, grit or other pollutants are likely to be present.
- 16.4 The Council may require a permanent sink screen to be fitted to any sink (except hand washing basins) in a food premises to minimise the risk of food waste entering the grease interceptor or the wastewater system.

17 AMALGAM TRAPS

- 17.1 All dentists' premises must install suitable amalgam traps on all spittoons and on sink wastes used for washing dentistry equipment.
- 17.2 The consent holder is responsible for the continuing effective operation of the amalgam trap and the regular disposal of amalgam waste in accordance with the requirements of the consent.

18 GREASE INTERCEPTORS

- 18.1 All food premises discharging trade wastes must install a grease interceptor and must obtain a consent for its installation under the Building Act 2004, in addition to any consent for the discharge required under this Bylaw.
- 18.2 Grease interceptors for food premises must be sized with a minimum size of 750 litres and minimum capacity of 45 litres per meal and a one hour retention time as per table 1. Actual sizing may need to be determined by site specific considerations and/or professional engineering consultants. Table 1 provides minimum sizes for typical food premises.

Table 1 – Food Premise Grease Interceptors Minimum Sizes

Food Premise Size	Minimum Grease Interceptor Size
Up to 12 meals per hour	750 litres
Up to 20 meals per hour	900 litres
Up to 30 meals per hour	1350 litres
Up to 60 meals per hour	2700 litres

- 18.3 The consent holder is responsible for regularly cleaning the grease interceptor, at the intervals specified in the consent, and must have available on the premises documentary proof of an ongoing maintenance contract for the grease interceptor with a Council-approved operator.
- 18.4 Consent holders must use a Council-approved/licensed tanker operator to dispose of grease interceptor waste.
- 18.5 The Council may inspect the grease interceptor in accordance with a regular programme, and more frequently if it has failed previous inspections.

19 DILUTION OF TRADE WASTE

- 19.1 The person discharging shall not add or permit the addition of any potable or condensing water, cooling water, or stormwater to any trade waste discharge in order to vary the level of the any characteristics of the waste unless specific approval is given by the Council in a consent.

20 MASS LIMITS

- 20.1 Wastewater quality may be determined either by:
- a) Measuring the concentrations of the characteristics alone; or,
 - b) Measuring both the mass and the concentrations of its characteristics.
- 20.2 A trade waste discharge consent may impose controls on a trade waste discharge by specifying mass limits for any characteristic.
- 20.3 Any characteristic permitted by mass limit shall also have its maximum concentration limited to the value in appendix 1 of the Administration Manual unless approved otherwise.
- 20.4 When setting mass limit allocations for a particular characteristic the Council shall consider:
- a) The operational requirements of and risk to the Wastewater system, and risks to occupational health and safety, public health, and the ultimate receiving environment;
 - b) Whether or not the levels proposed pose a threat to the potential, planned or actual beneficial reuse of Biosolids or sewage sludge;
 - c) Conditions in the Wastewater system near the trade waste discharge point and elsewhere in the Wastewater system;
 - d) The extent to which the available wastewater treatment plant capacity was used in the last financial period and is expected to be used in the forthcoming

period;

- e) Whether or not the applicant uses Cleaner Production techniques within a period satisfactory to the Council;
- f) Whether or not there is any net benefit to be gained by the increase of one characteristic concurrently with the decrease of another to justify any increased application for wastewater treatment plant capacity;
- g) Any requirements of the Council to reduce the pollutant discharge of the Wastewater system;
- h) How great a proportion the mass flow of a characteristic of the discharge will be of the total mass flow of that characteristic in the Wastewater system;
- i) The total mass of the characteristic allowable in the Wastewater system, and the proportion (if any) to be reserved for future allocations; and
- j) Whether or not there is an interaction with other characteristics which increases or decreases the effect of either characteristic on the sewer reticulation, treatment process, or receiving water (or land).

PART FIVE – SAMPLING, TESTING AND MONITORING

21 FLOW METERING

- 21.1 Metering to measure the flow rate and volume of discharge may be required by the Council in accordance with the Administration Manual.

22 ESTIMATING DISCHARGE

- 22.1 In premises where there is no flow meter or similar apparatus, or the flow meter is out of repair or ceases to register, or where in the opinion of the Council the flow meter has been tampered with, the Council will estimate the rate and quantity of trade waste discharge in accordance with the Administration Manual.

23 SAMPLING AND ANALYSIS

- 23.1 Sampling, testing and monitoring may be undertaken by the Council in accordance with the Administration Manual.
- 23.2 All authorised officers or authorised agents of the Council may enter any premises believed to be discharging trade waste, as provided in section 172 of the LGA02, in order to determine any characteristics of any actual or potential discharge by:
- a) Taking readings and measurements;
 - b) Carrying out an inspection;
 - c) Observing any occurrence of accidental discharge and clean-up; and/or
 - d) Taking samples for testing, of any solid, liquid, or gaseous material or any combination or mixture of such materials being discharged.

24 MONITORING

- 24.1 The Council will monitor and audit any trade waste discharge to determine compliance with this Bylaw. Monitoring will be in accordance with the Administration Manual.

PART SIX – OTHER DISCHARGES

25 TANKERED WASTES

25.1 Any person wishing to operate a tankered waste trucking system within Palmerston North City Council Boundaries and/or wishing to discharge into the Palmerston North wastewater system must:

- a) be certified by New Zealand Trade and Industrial Waters Forum (NZTIWF) as complying with the Liquid and Hazardous Wastes Code of Practice; and
- b) either hold a Certificate of Registration for Offensive Trade issued by the Council and comply with the conditions of that Certificate or hold a resource consent under the Resource Management Act 1991 for the tankered waste collection service; and
- c) hold a consent to discharge trade waste under this Bylaw.

25.2 The Council may accept tankered wastes for discharge at an approved location, subject to:

- a) Tankered waste being fully documented including:
 - (i) A description of the type of waste;
 - (ii) The name of discharger and location;
 - (iii) The source, date and time of collection;
 - (iv) The volume of waste collected; and
 - (v) The identification number and vehicle registration number;
- b) Tankered waste shall be analysed to determine its character if the contents of the waste are not known. Specialist advice on pre-treatment or acceptance may be required. The cost of all analysis and advice shall be borne by the consent holder;
- c) Tankered waste is not to be picked up and transported to the disposal site until appropriate arrangements, documentation and method for disposal have been determined by the Council;
- d) To prevent cross-contamination between tanker loads, the tanker shall be thoroughly washed prior to collecting a load for disposal into the Wastewater system; and
- e) 24 hours' notice shall be given to the Council for the disposal of wastes other than those sourced from domestic septic tanks.

25.3 Waste collected for disposal must be treated in accordance with the conditions of the trade waste discharge consent before disposal.

25.4 Any person disposing of, or causing to be disposed, tankered waste either by incorrect disclosure of contents (characteristics or amount) or dumping into the Council Wastewater system other than in the prescribed location and in accordance with the trade waste discharge consent, will be in breach of this bylaw.

26 DISINFECTED/SUPER CHLORINATED WATER

- 26.1 No water used during the repair or construction of water mains may be discharged into the Council wastewater system, stormwater network, or adjacent water courses without the prior written approval of the Council.
- 26.2 Any water used during the repair or construction of water mains shall be de-chlorinated prior to its discharge under clause 26.1 of the Bylaw.

PART SEVEN – BYLAW ADMINISTRATION

27 REVIEW OF DECISIONS

- 27.1 If any person is dissatisfied in relation to any decision by the Council made under this Bylaw, any person may deliver by notice in writing to the Chief Executive of the Council a request for review of that decision. The request shall be lodged within 20 working days of the decision by the Council. The Chief Executive shall review all relevant documentation and make a final decision.

28 ACCIDENTS AND NON-COMPLIANCE

- 28.1 The person discharging shall inform the Council immediately on discovery of any accident or incident including spills or process mishaps which may cause a breach of this bylaw.
- 28.2 In the event of any accident or incident occurring when the person holds a conditional trade waste discharge consent, a review or cancellation under clause 14 or 15 of the Bylaw may be initiated by the Council.
- 28.3 In the event of an accident or incident occurring on the premises of a permitted trade waste discharge, an application for trade waste discharge consent may be required.

29 CHARGES, PAYMENTS AND COSTS

- 29.1 The Council may set fees and charges for any approval, permission, consent or any other service required by this Bylaw following public consultation and in accordance with section 150 of the LGA02. Schedule 1 of the Bylaw contains a list of charges that may be imposed. The amounts of the charges are determined by Council from time to time.
- 29.2 All charges shall be invoiced in accordance with the Council standard commercial practice. The invoice shall provide each person discharging with a copy of the information and calculations used to determine the extent of any charges and fees due, in regards to a discharge.
- 29.3 The person discharging shall be deemed to be continuing the discharge of trade waste and shall be liable for all charges, until written notice of disconnection is given to the Council.
- 29.4 All fees and charges payable under this bylaw shall be recoverable as a debt. If the person discharging fails to pay any fees and charges under this bylaw the Council may cancel their consent to discharge and may disconnect service.
- 29.5 The Council may recover costs pursuant to the following sections of the Local Government Act 2002:
- (a) Section 151, for the recovery of costs incurred by the Council in relation to activities consented under this Bylaw;

- (b) Section 176, on conviction, for the costs of remedying damage associated with a breach of this Bylaw.

30 DELEGATIONS

- 30.1 The following people are authorised delegates under this bylaw:
- a) The Council by resolution;
 - b) the Chief Executive of the Council;
 - c) the person holding the office identified in Council's Delegations Manual as responsible for the administration of this bylaw;
 - d) Any other person authorised to exercise a power under this bylaw, pursuant to the Council's Delegations Manual or resolution of the Council.
- 30.2 Authorised delegated persons may exercise any power, function or duty under this bylaw or carry out any act in order to achieve its effective administration on behalf of the Council (other than those expressly required to be by Council resolution) including, without limitation:
- a) Specify forms and procedures for the effective administration of the bylaw;
 - b) Make any decision or determination required in this bylaw in order to administer it;
 - c) Decisions regarding whether or not a consent should be granted, and the terms and conditions of that consent;
 - d) Decisions regarding suspension, withdrawal or removal of a consent;
- 30.3 The Council by resolution may amend the Administration Manual. Before amending the Administration Manual, the Council must consult appropriately and in accordance with the Local Government Act 2002 with any person that it considers may be affected by the proposed amendments and give those persons a reasonable opportunity to provide feedback on the proposed amendments before they come into effect. The Council must have regard to that feedback before making any final decision on the proposed amendments.
- 30.4 All specifications or methods for this bylaw must be in writing and kept in a publicly available Administration Manual for this bylaw called the Trade Waste Bylaw Administration Manual.
- 30.5 Every exercise of a power of delegation under this clause must be reported to Council if not exercised by Council by resolution, provided that failure to report does not invalidate the exercise of the delegate's power.

31 TRANSFER OR TERMINATION OF RIGHTS AND RESPONSIBILITIES

- 31.1 A trade waste consent to discharge shall be issued in the name of the given consent holder. The consent holder shall not, unless written approval is obtained from the Council:
- a) Transfer to any other party the rights and responsibilities provided for under this bylaw, and under the Consent;
 - b) Allow a point of discharge to serve another premise, whether directly or indirectly; or
 - c) Allow wastewater or trade waste from any other party or premises to be discharged at the consent holders' point of discharge.
- 31.2 Renewal of a trade waste consent on change of ownership of premises shall not be unreasonably withheld if the characteristics of the wastewater remain unchanged.
- 31.3 The person discharging shall give 48 hours' notice in writing to the Council of their requirement for disconnection of the discharge connection and/or termination of the discharge consent, except where demolition or relaying of the discharge drain is required, in which case the notice shall be within seven working days. The person discharging shall notify the Council in writing of the new address details for final invoicing.
- 31.4 On permanent disconnection and/or termination, at the Council's discretion, the person discharging may be liable for trade waste charges to the end of the current charging period.
- 31.5 When a person discharging ceases to occupy premises from which trade wastes are discharged into the wastewater system, any consent granted shall terminate but without relieving the person discharging from any obligations existing at the date of termination.

32 SERVICE OF DOCUMENTS

- 32.1 Any notice or other document required to be given, served or delivered under this bylaw to a person discharging may (in addition to any other method permitted by law) be given or served or delivered by being:
- a) Sent by pre-paid ordinary mail, courier, or facsimile, or email to the person discharging at their last known place of residence or business;
 - b) Sent by pre-paid ordinary mail, courier, or facsimile, or email to the person discharging at any address for service specified in a consent to discharge;
 - c) Where the person discharging is a corporate body, sent by pre-paid ordinary mail, courier, or facsimile, or email to, or left at its registered office; or

d) Personally served on the Person discharging.

32.2 If any notice or other document is:

- a) Sent by post it will be deemed received on the third day (excluding weekends and public holidays) after posting;
- b) Sent by facsimile or email and the sender's facsimile or email machine produces a transmission report indicating that the facsimile or email was sent to the addressee, the report will be prima facie evidence that the facsimile or email was received by the addressee in a legible form at the time indicated on that report; or
- c) Sent by courier and the courier obtains a receipt or records delivery on a courier run sheet, the receipt or record of delivery on a courier run sheet will be prima facie evidence that the communication was received by the addressee at the time indicated on the receipt or courier run sheet, or left at a conspicuous place at the trade premises or is handed to a designated person(s) nominated by the consent holder then that shall be deemed to be service on, or delivery to the consent holder at that time.

32.3 Any notice or document to be given, served or delivered shall be signed by an authorised officer.

33 TRANSITIONAL PROVISIONS

33.1 Every existing trade waste consent shall continue in force as if it were a consent under this bylaw until it reaches the expiry date specified in that consent provided that no consent shall run beyond 22 May 2024.

PART EIGHT – ENFORCEMENT

34 OFFENCES

- 34.1 Every person or consent holder or owner or occupier of trade premises or licensee who:
- a) Fails to comply or acts in contravention of any provision of this bylaw;
 - b) Breaches the conditions of any consent to discharge granted pursuant to this bylaw; or
 - c) Fails to comply with a notice served under this bylaw,
- commits an offence under section 239 of the LGA02, and is liable to a fine as specified in section 242 of the LGA02, or the issue of an Infringement notice under section 245 of the LGA02.
- 34.2 In all cases the Council may recover costs associated with damage to the Council Wastewater System or Stormwater network or breach of this bylaw in accordance with sections 175 and section 176 of the LGA02.
- 34.3 The Council may issue infringement notices, in such forms and for such amounts as are authorised in any regulations made under Section 259 of the LGA02.

SCHEDULE 1 – TRADE WASTE CHARGES

Introduction

Fees and charges are set by Council resolution following public consultation in accordance with the LGA02. This may be done by the annual planning process, fee setting or a similar transparent public process in accordance with the LGA02.

In the following table the Council states what categories it will charge, or may charge, under the tenure of this bylaw.

Category	Description
2.1 Connection fee	Payable on application for connection to discharge.
2.2 Compliance monitoring	The costs incurred by the Council for inspections, sampling and analysis of trade waste discharges.
2.3 Disconnection fee	Payable following a request for disconnection from Wastewater system.
2.4 Trade Waste application fee	Payable on an application for a trade waste discharge.
2.5 Consent Processing Fee	Payable when the costs of processing the consent exceed the Trade Waste application fee.
2.6 Re-inspection fee	Payable for each re-inspection visit by the Council where a notice served under this bylaw has not been complied with by the trade waste discharger.
2.7 Special rates for loan charges	Additional rates for servicing loans raised for the purposes of constructing or improving the Wastewater system.
2.8 Temporary Discharge fee	Payable prior to receipt of temporary discharge.
2.9 Annual Trade Waste charges	An annual management fee for a Trade Waste discharge to cover the Council's costs associated with for example: <ul style="list-style-type: none"> (a) Administration; (b) General compliance monitoring; (c) General inspection of trade waste premises; (d) Use of the Wastewater system. This charge may vary depending on the trade waste sector and category of the discharger.

Table 2 – Administrative Charges (continued)	
Category	Description
2.10 Rebates for Trade Premises within the District	<p>Reduction in fees is provided for in section 150(2). Section 150(4) of the LGA02 states that the fees prescribed by the Council shall not provide for the Council to recover more than the reasonable cost incurred by the Council for the matter for which the fee is charged.</p> <p>In no event shall the resultant charge be less than the Council's Wastewater charge for the equivalent period.</p>
2.11 New or Additional Trade Premises	Pay the annual fees and a <i>pro rata</i> proportion of the various Trade Waste charges relative to flows and loads.

Table 3 – Trade Waste Charges	
Category	Description
3.1 Volume	Payment based on the volume discharged $\$/m^3$
3.2 Flow rate	Payment based on the flow rate discharged $\$/L/s$
3.3 Suspended solids	Payment based on the mass of suspended solids $\$/kg$
3.4 Organic loading	Biochemical oxygen demand or chemical oxygen demand $\$/kg$
3.5 Bacterial reduction	Payment based on the amount of removal or reduction required.
3.5 Nitrogen	Payment based on the defined form(s) of nitrogen $\$/kg$
3.6 Phosphorous	Payment based on the defined form(s) of phosphorous $\$/kg$
3.7 Metals	Payment based on the defined form(s) of the metal(s) $\$/kg$
3.8 Transmission	A charge based on the inhibiting nature of the trade waste to UV light used by the Council's disinfection process
3.9 Screenable solids	Payment based on the mass of screenable solids $\$/kg$
3.10 Toxicity charge	Payment based on the defined form(s) of the toxic substance(s) $\$/kg$ and/or $\$/m^3$
3.11 Incentive rebate	A rebate for discharging materials beneficial to the Council's Wastewater system $\$/kg$ and/or $\$/m^3$
3.12 Depreciation	Operating cost related to capital and normally spread across the volume and mass charges
3.13 Capital	Apportioned upfront or term commitment capital cost of specific infrastructure required to accommodate a trade waste discharge consent

Table 4 – Tankered Waste charges	
Category	Description
4.1 Tankered Wastes	Set as a fee(s) per tanker load, or as a fee(s) per cubic metre, dependent on trade waste category
4.2 Toxicity	Payment based on the defined form(s) of the toxic substance(s) $\$/kg$ and/or $\$/m^3$
4.3 Nutrient removal and bacterial	Payment based on the amount of

reduction	removal or reduction required.
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